

## Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 L-02 /035 R

DRAFTED BY EB/AN:AJRIMAS:DAP

APPROVED BY EB/AN:WBCOBB

ARA/CAN - D. HOLTON

CAB - J. CHESEN (SUBS)

----- 084167

R 072116Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

UNCLAS STATE 003014

E.O. 11652:N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR: CHARTER AGREEMENT

REF: OTTAWA 3907

1. EMBASSY IS REQUESTED TO RESPOND TO EXTAFF LETTER OF NOVEMBER 29 (TEXT WAS TRANSMITTED REFTEL) BY DELIVERING LETTER ALONG FOLLOIWNIG LINES:

BEGIN TEXT: I REFER TO YOUR LETTER OF NOVEMBER 29, 1974 CONCERNING THE INTERPRETATION OF ANNEX "A" (V) (A) OF THE UNITED STATES-CANADA NONSCHEDULED AIR SERVICE AGREEMENT OF MAY 8, 1974. THE QUESTION OF INTERPRETING THIS PROVISION HAD BEEN PROMPTED BY THE APPARENT INTENT OF A CANADIAN AIR CHARTER OPERATOR TO CARRY SPLIT-PASSENGER LOADS FROM TORONTO TO NASSAU AND MIAMI RESPECTIVELY. PRESUMABLY, NO PASSENGERS WOULD STOP OVER AT BOTH DESTINATIONS.

IT IS THE VIEW OF THE UNITED STATES GOVERNMENT THAT THE TYPE OF TRAFFIC ARRANGEMENT CONTEMPLATED BY THE CANADIAN CARRIER LIES OUTSIDE THE SCOPE OF THE NONSCHEDULED AIR SERVICE AGREEMENT. ANNEX "A" (V) (A) DOES NOT APPLY. ACCORDINGLY, THE MATTER COULD NOT BE RESOLVED WITHIN THE UNCLASSIFIED

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FRAMEWORK OF THAT AGREEMENT. HOWEVER, THE UNITED STATES

AUTHORITIES ARE WILLING TO CONSIDER THE MATTER OUTSIDE THE TERMS OF THE AGREEMENT.

THE IMMEDIATE PRACTICAL PROBLEM APPEARS TO BE THE CANADIAN CARRIER'S LACK OF NECESSARY AUTHORITY FROM THE UNITED STATES AUTHORITIES TO COMBINE ON THE SAME AIRCRAFT TRAFFIC TO AND FROM THE US WITH TRAFFIC NOT BOUND TO OR FROM THE US, AND TO NAVIGATE BETWEEN MIAMI AND NASSAU. TO ADDRESS THAT SITUATION, I SUGGEST ADVISING THE CANADIAN CARRIER TO SEEK APPROPRIATE AUTHORIZATION FROM THE UNITED STATES CIVIL AERONAUTICS BOARD WITH REFERENCE TO PART 375 OF THE BOARD'S ECONOMIC REGULATIONS. THE BOARD WOULD THEN BE ABLE TO MAKE A DETERMINATION BASED ON THE SPECIFICS OF THE CASE. END TEXT. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, TEXT, SUPPLEMENTAL AIRLINES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
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**Drafter:** AJRIMAS:DAP  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750006-0959  
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**Office:** ORIGIN EB  
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**Previous Handling Restrictions:** n/a  
**Reference:** 75 OTTAWA 3907  
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**Review Comment:** n/a  
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**Review Date:** 10 MAR 2003  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR: CHARTER AGREEMENT  
**TAGS:** EAIR, CA  
**To:** OTTAWA  
**Type:** TE  
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